

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITY OF SEATTLE, *et al.*,

Plaintiffs,

vs.

JOSEPH R. BIDEN, JR., in his capacity as  
President of the United States, *et al.*,

Defendants.

Civil Action No. 2:20-cv-01560-BHS

**NOTICE**

Defendants respectfully notify the Court and Plaintiffs that, on February 24, 2021, the President issued an Executive Order addressing issues pertinent to the above-captioned action. *See* Executive Order on the Revocation of Certain Presidential Actions, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-the-revocation-of-certain-presidential-actions/>. Defendants further notify the Court and Plaintiffs that, on February 25, 2021, the Acting Attorney General issued a Memorandum also addressing issues relevant to the above-captioned action. *See* Exhibit 1, Memorandum for Heads of Department Components, Withdrawal of Designation of Anarchist Jurisdictions.

Section 1 of the Executive Order revokes seven “Presidential actions,” including the

1 September 2, 2020 Presidential Memorandum entitled *Memorandum on Reviewing Funding to State*  
2 *and Local Government Recipients That Are Permitting Anarchy, Violence, and Destruction in*  
3 *American Cities* (“September 2 Memorandum”). To implement this revocation, Section 2 of the  
4 Executive Order instructs the “Director of the Office of Management and Budget and the heads of  
5 executive departments and agencies” to “promptly consider taking steps to rescind any orders, rules,  
6 regulations, guidelines, or policies, or portions thereof, implementing or enforcing the Presidential  
7 actions identified” in Section 1 of the Executive Order, including the September 2 Memorandum.  
8 Section 2 of the Executive Order also states that “any personnel positions, committees, task forces,  
9 or other entities established pursuant to the Presidential actions identified in section 1 of this order  
10 shall be abolished, as appropriate and consistent with applicable law.”

11 On February 25, 2021, in accordance with Section 2 of the Executive Order, the Acting  
12 Attorney General issued a Memorandum withdrawing the Department’s September 21, 2020  
13 designation of New York, New York; Portland, Oregon, and Seattle, Washington as anarchist  
14 jurisdictions. Pursuant to the Acting Attorney General’s Memorandum, “[a]ll Department  
15 grantmaking components shall ensure that the September 2 Memorandum and September 21, 2020  
16 Department of Justice designation are removed as considerations in any grant solicitations or award  
17 determinations.” The Acting Attorney General also directed all Department components “to take  
18 any other steps necessary to effectuate the revocation of the September 2 Memorandum and to  
19 ensure that no state or local jurisdictions are disfavored in any Departmental programs on the basis  
20 of either the revoked memorandum or the withdrawn designation.”

21 Defendants intend to confer with Plaintiffs about the implications for this litigation of the  
22 Executive Order and the Acting Attorney General’s Memorandum.  
23

1 Dated: February 26, 2021

Respectfully submitted,

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Acting Assistant Attorney General

3 BRIGHAM J. BOWEN  
4 Assistant Branch Director

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